



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|---------------------|---|-----------------|--------------|
| Applicant: | DOMINIK J. SCHMIDT | § | Group Art Unit: | 2667 |
| | | § | | |
| Serial No.: | 09/973,579 | § | | |
| | | § | Examiner: | Anh Vu H. Ly |
| Filed: | October 9, 2001 | § | | |
| | | § | | |
| For: | FLEXIBLE PROCESSING | § | Atty. Dkt. No.: | IVT.0028US |
| | SYSTEM | § | | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Declaration Under 37 C.F.R. § 1.132

I, Dominik J. Schmidt am the named inventor of the above-entitled patent application.

1. I understand that the pending claims of the above-entitled application have been rejected under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2004/0243866 (the "Sherburne application") having Robert Warren Sherburne, Jr. as the sole-named inventor.
2. I conceived of the subject matter of the Sherburne application cited in the Office Action and shown in FIGS. 5 and 6 and the corresponding specification portions of the Sherburne application.
3. As evidence of my prior invention, attached hereto as Exhibit A is U.S. Patent Application Publication No. 2002/0128037 (the "'411 application"), which has a filing date of March 9, 2001, and for which I am the sole-named inventor. As shown in Exhibit A, FIGS. 1 and 2 of the '411 application and the corresponding specification substantially correspond to that disclosed in FIGS. 5 and 6 and the corresponding specification of the Sherburne application.
4. Thus I unequivocally state that I conceived and/or invented the subject matter disclosed in the Sherburne application with respect to FIGS. 5 and 6 thereof.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 9/26/05



Dominik J. Schmidt